IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10472 of 2005

Between:

P.Srinivasulu S/o. Jangaiah
R/o.Gandhinagar, Kalwakurthy Mahaboobnagar District.

..... PETITIONER

AND

1 The Secretary Regional Transport Authority
Mahabubnagar District Mahaboobnagar.
2 The Asst.Motor Vehicles Inspector Regional Transport Authority,
Mahaboobnagar.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the seizure and continued detention of the petitioners vehicle bearing No.AP 22 U 3370 seized under vehicle Check Report No.1557881 dt.21.4.2005 by the 2nd respondent herein, as arbitrary, illegal and without jurisdiction and consequently direct the respondents herein to release the vehicle forthwith.

Counsel for the Petitioner:MR.VENKAT REDDY THIPPARTHI

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing registration No.AP.22U 3370 vide Check report No.1557881, dated 21.04.2005 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 21.04.2005 by the 2nd respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.1557881.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing the tax due if any and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the 1st respondent and he shall produce the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation and that the petitioner shall produce the original documents of the vehicle.

Accordingly, the writ petition is disposed of. No costs.

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(K.C.BHANU,J)

Dt:28th April, 2005

usd

To

1 The Secretary Regional Transport Authority
Mahabubnagar District Mahaboobnagar.

2 The Asst.Motor Vehicles Inspector Regional Transport Authority, Mahaboobnagar.

3 Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT)

4 Two CD copies.